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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,919

02/20/2007

Ju-Ho Lee

51444

6873

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7590

11/13/2008

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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EXAMINER

BATISTA, MARCOS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,919

**Applicant(s)**

LEE ET AL.

**Examiner**

MARCOS BATISTA

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Art Unit- Location**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.
2. This Action is in response to Applicant's amendment filed on 08/04/2008. Claims 1-9 are still pending in the present application. This Action is made **Non-FINAL**.

### **Response to Argument**

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkamaki et al. (US 20040228315 A1), hereafter "Malkamaki," in view of Malladi et al. (US 20030210668 A1), hereafter "Malladi."

Consider claim 1, Malkamaki discloses a method for supporting pilot boost to the uplink dedicated channels in the Wideband Code Division Multiple Access system comprising steps of (**see fig. 1, pars. 0023 and 0028**): transmitting E-TFCl to a Node B by a UE before transmitting an E-DCH corresponding to the E-TFCl (**see pars. 0044 and 0048**).

Malkamaki discloses the invention of claim 1 above, but does not particular refer to adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCl and performing a uplink inner loop power control by the Node B according to a

measured SIR, a target preset by the inner loop power control and a pilot boost amplitude resulted from the E-TFCI.

Malladi, in analogous art, teaches adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCI (**see fig. 2D, pars 0054 lines 3-14, 0096 lines 1-8**) and performing a uplink inner loop power control by the Node B according to a measured SIR, a target preset by the inner loop power control and a pilot boost amplitude resulted from the E-TFCI (**see pars 0054 lines 3-14, 0063 lines 1-13**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Malkamaki and have it include adjusting an uplink pilot power boosting amplitude by the UE according to the E-TFCI and performing a uplink inner loop power control by the Node B according to a measured SIR, a target preset by the inner loop power control and a pilot boost amplitude resulted from the E-TFCI, as taught by Malladi. The motivation would have been in order to increase the reliability of feedback transmission between the base station and the mobile terminal (see par. 0007 lines 10-14).

Consider claim 2, Malkamaki as modified by Malladi, teaches claim 1 above. Malkamaki also teaches wherein the UE transmits a D-TFCI and a DCH corresponding to the D-TFCI synchronously (see par. 0022 lines 10-13).

Consider claim 3, Malkamaki as modified by Malladi, teaches claim 1 above. Malkamaki also teaches wherein the timing relationship on transmitting the E-TFCI in advance must satisfy that the ending time of E-TFCI's TTI must be earlier than the starting time of TTI of the E-DCH corresponding to the E-TFCI (see par. 0037).

Consider claim 8, Malkamaki as modified by Malladi, teaches claim 1 above. Malkamaki also teaches wherein the UE transmits the D-TFCI to the Node B before the transmission of the DCH corresponding to the D-TFCI (see pars. 0022 and 0037).

Consider claim 9, Malkamaki as modified by Malladi, teaches claim 1 above. Malkamaki also teaches wherein the UE transmits the TFCI which is generated by encoding the D-TFCI and the E-TFCI before the transmission of the EDCH corresponding to the E-TFCI (see fig. 3, par. 0041).

8. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malkamaki et al. (US 20040228315 A1), hereafter "Malkamaki," in view of Malladi et al. (US 20030210668 A1), hereafter "Malladi," further in view of Tirola et al. (US 20050041626 A1), hereafter "Tirola."

Consider claim 4, Malkamaki as modified by Malladi teaches claim 1 above. Malkamaki, however, does not particular refer to wherein when the uplink inner loop power control is performed by the Node B, if  $SIR_{mea} < SIR_{target} + \Delta P_{pilot}$ , the Node B sends

a TPC UP command to demand the UE to increase the transmitting power; otherwise, it sends a TPC DOWN command to demand the UE to decrease the transmitting power.

Tiirola teaches wherein when the uplink inner loop power control is performed by the Node B, if  $SIR_{mea} < SIR_{target} + \Delta P_{pilot}$ , the Node B sends a TPC UP command to demand the UE to increase the transmitting power; otherwise, it sends a TPC DOWN command to demand the UE to decrease the transmitting power (see pars. 0007 and 0029).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Malkamaki as modified by Malladi and have it include wherein when the uplink inner loop power control is performed by the Node B, if  $SIR_{mea} < SIR_{target} + \Delta P_{pilot}$ , the Node B sends a TPC UP command to demand the UE to increase the transmitting power; otherwise, it sends a TPC DOWN command to demand the UE to decrease the transmitting power, as taught by Tiirola. The motivation would have been in order to decrease signal interference (see par. 0045).

Consider claim 5, Malkamaki as modified by Malladi teaches claim 1 above. Malkamaki, however, does not particular refer to wherein the UE calculates a transmitting power of the pilot according to the E-TFCI and the equation below

$$P_{sub.pilot} = P_{sub.c} + \Delta P_{sub.pilot}$$

Tiirola teaches wherein the UE calculates a transmitting power of the pilot according to the E-TFCI and the equation below

P.sub.pilot=P.sub.c+.DELTA.P.sub.pilot (see par. 0040 lines). The motivation would have been in order to decrease signal interference (see par. 0045).

Consider claim 6, Malkamaki as modified by Malladi teaches claim 1 above. Malkamaki, however, does not particular refer to wherein a RNC notifies the Node B through an lub signaling of the pilot power boosting amplitude corresponding to a reference E-TFCl, and notifies the UE through a RRC signaling of the pilot power boosting amplitude corresponding to the reference E-TFCl.

Tirola teaches wherein a RNC notifies the Node B through an lub signaling of the pilot power boosting amplitude corresponding to a reference E-TFCl, and notifies the UE through a RRC signaling of the pilot power boosting amplitude corresponding to the reference E-TFCl (see fig. 2, par. 0008). The motivation would have been in order to decrease signal interference (see par. 0045).

Consider claim 7, Malkamaki as modified by Malladi teaches claim 1 above. Malkamaki, however, does not particular refer to wherein the Node B and the UE calculate the pilot power boosting amplitudes corresponding to other E-TFCl's according to that corresponding to the reference E-TFCl.

Tirola teaches wherein the Node B and the UE calculate the pilot power boosting amplitudes corresponding to other E-TFCl's according to that corresponding to the reference E-TFCl (see fig. 2, par. 0029). The motivation would have been in order to decrease signal interference (see par. 0045).



***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Marcos Batista*  
/M. B./

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/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617

11/05/2008